

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Ellen Ragone

(b) County of Residence of First Listed Plaintiff Camden
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) ~~Attorneys~~ (Firm Name, Address, and Telephone Number)
Caren N. Gurmankin, Esq., Console Mattiacci Law,
1525 Locust Street, 9th Fl., Philadelphia, PA 19102

DEFENDANTSWeber Gallagher Simpson Stapleton Fires & Newby, LLP
Weber Gallagher Simpson Staple

County of Residence of First Listed Defendant Philadelphia
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. §2000e, et seq.; 42 U.S.C. §1981

Brief description of cause:

Plaintiff was discriminated against based on her age and retaliated against.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$
in excess of \$75,000

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

07/02/2021

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: Cherry Hill, NJ 08003Address of Defendant: 2000 Market Street, Suite 1300, Philadelphia, PA 19103Place of Accident, Incident or Transaction: 2000 Market Street, Suite 1300, Philadelphia, PA 19103**RELATED CASE, IF ANY:**

Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- | | | |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.DATE: 07/02/2021
Attorney-at-Law / Pro Se Plaintiff205900

Attorney I.D. # (if applicable)

CIVIL: (Place a ✓ in one category only)**A. Federal Question Cases:**

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
- ☐ 2. FELA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Patent
- ☐ 6. Labor-Management Relations
- ☒ 7. Civil Rights
- ☐ 8. Habeas Corpus
- ☐ 9. Securities Act(s) Cases
- ☐ 10. Social Security Review Cases
- ☐ 11. All other Federal Question Cases
(Please specify): _____

B. Diversity Jurisdiction Cases:

- ☐ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☐ 3. Assault, Defamation
- ☐ 4. Marine Personal Injury
- ☐ 5. Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury (Please specify): _____
- ☐ 7. Products Liability
- ☐ 8. Products Liability – Asbestos
- ☐ 9. All other Diversity Cases
(Please specify): _____

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, Caren N. Gurmankin, counsel of record or pro se plaintiff, do hereby certify:☒ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:☒ Relief other than monetary damages is sought.DATE: 07/02/2021
Attorney-at-Law / Pro Se Plaintiff205900

Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

ELLEN RAGONE	:	CIVIL ACTION
	:	
v.	:	
WEBER GALLAGHER SIMPSON	:	
STAPLETON FIRES & NEWBY, LLP, et al.	:	NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:


- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

07/02/2021

Date

215-545-7676

Telephone



Attorney-at-law

215-405-2900

FAX Number

Plaintiff, Ellen Ragone

Attorney for

gurmankin@consolelaw.com

E-Mail Address

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA**

ELLEN RAGONE
Cherry Hill, 08003

Plaintiff,

v.

WEBER GALLAGHER SIMPSON
STAPLETON FIRES & NEWBY, LLP
2000 Market Street, Suite 1300
Philadelphia, PA 19103

and

WEBER GALLAGHER SIMPSON
STAPLE
2000 Market Street, Suite 1300
Philadelphia, PA 19103

Defendants.

CIVIL ACTION NO.

JURY TRIAL DEMANDED

COMPLAINT

I. INTRODUCTION

Plaintiff, Ellen Ragone, brings this action against her former employers, Weber Gallagher Simpson Stapleton Fires & Newby LLP and Weber Gallagher Simpson Staple (“Defendants”). Despite an excellent performance history over eight (8) years of employment, Defendants terminated Plaintiff at age fifty eight (58) and shortly after she expressed her opposition to Defendants’ race discriminatory conduct.

Defendants engaged in retaliatory conduct towards Plaintiff in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, *et seq.* (“Title VII”), 42 U.S.C. §1981 (“Section 1981”), the Pennsylvania Human Relations Act, as amended,

43 P.S. § 951, *et seq.* (“PHRA”), and the Philadelphia Fair Practices Ordinance, as amended, Phila. Code § 9-1100, *et seq.* (“PFPO”). Defendants also engaged in age discriminatory conduct towards Plaintiff in violation of the Age Discrimination in Employment Act, 29 U.S.C. §621, *et seq.* (“ADEA”), the PHRA, and the PFPO.

II. PARTIES

1. Plaintiff, Ellen Ragone, is an individual and a citizen of the state of New Jersey.
2. Plaintiff was born in October 1961. She was fifty eight (58) years old at the time that Defendants terminated her employment.
3. Defendant, Weber Gallagher Simpson Stapleton Fires & Newby, LLP is incorporated in Pennsylvania with a business address at 1811 Chestnut Street, Philadelphia, PA 19103 and a principal place of business at 2000 Market Street, Suite 1300, Philadelphia, PA 19103.
4. Defendant, Weber Gallagher Simpson Staple, is incorporated in Pennsylvania, and has a principal place of business at 2000 Market Street, Suite 1300, Philadelphia, PA 19103.
5. Defendants are engaged in an industry affecting interstate commerce and regularly does business in the Commonwealth of Pennsylvania.
6. At all times material hereto, Defendants employed more than fifteen (15) employees.
7. At all times material hereto, Defendants acted by and through their authorized agents, servants, workmen, and/or employees acting within the course and scope of their employment with Defendants and in furtherance of Defendants’ business.

8. At all times material hereto, Defendants acted as employers within the meaning of the statutes which form the basis of this matter.

9. At all times material hereto, Plaintiff was an employee of Defendants within the meaning of the statutes which form the basis of this matter.

10. Plaintiff was paid by Defendant Weber Gallagher Simpson & Staple.

III. JURISDICTION AND VENUE

11. The causes of action which form the basis of this matter arise under Title VII, the PHRA, and the PFPO.

12. The District Court has jurisdiction over Count I (Title VII) pursuant to 42 U.S.C. § 2000e-5 and 28 U.S.C. § 1331.

13. The District Court has jurisdiction over Count II (Section 1981) pursuant to 28 U.S.C. §1331.

14. The District Court has jurisdiction over Count III (ADEA) pursuant to 29 U.S.C. §626(c) and 28 U.S.C. §1331.

15. The District Court has jurisdiction over all counts pursuant to 28 U.S.C. §1332 since the amount in controversy in the present action exceeds the sum or value of seventy five thousand dollars (\$75,000), exclusive of interests and costs, and there exists complete diversity of citizenship, as Plaintiff is a citizen of the state of New Jersey and Defendants are not citizens of the state of New Jersey

16. The District Court has supplemental jurisdiction over Count IV (PHRA) and Count V (PFPO) pursuant to 28 U.S.C. § 1367.

17. Venue is proper in the District Court under 28 U.S.C. §1391(b) and 42 U.S.C. § 2000(e)-5(f).

18. On or about April 17, 2020, Plaintiff filed a Complaint of Discrimination with the Pennsylvania Human Relations Commission (“PHRC”), complaining of acts of discrimination and retaliation alleged herein. This Complaint was cross-filed with the Equal Employment Opportunity Commission (“EEOC”). Attached hereto, incorporated herein, and marked as Exhibit “1” is a true and correct copy of the EEOC Charge of Discrimination (with personal identifying information redacted).

19. On or about May 3, 2021, the EEOC issued to Plaintiff a Notice of Right to Sue for her Complaint of Discrimination. Attached hereto, incorporated herein, and marked as Exhibit “2” is a true and correct copy of the Notice of Right to Sue (with personal identifying information redacted).

20. Plaintiff has fully complied with all administrative prerequisites for the commencement of this action.

IV. FACTUAL ALLEGATIONS

21. Plaintiff began working at Defendants on or about April 30, 2012.

22. Throughout Plaintiff’s employment, she held the position of Chief Marketing Officer.

23. Since in or about January 2013, Plaintiff reported directly to Patrick Stapleton, Partner. In or about January 2018, Plaintiff also started reporting directly to Andrew Indeck, Firm Chair, while continuing to report to Stapleton as well.

24. At all times material hereto, Plaintiff consistently demonstrated excellent performance throughout her employment with Defendants.

25. In or around early 2018, Plaintiff’s direct report, Bisa Lindsay (Black), Marketing Coordinator, resigned from her employment at Defendants.

26. Lindsey told Plaintiff that, during her exit interview, while she had praised Plaintiff's performance as her supervisor, she complained of Defendants' race discriminatory conduct, including the following:

- (a) Defendants did not support their minority employees;
- (b) Lindsey, as a Black woman, did not feel comfortable working at Defendants; and,
- (c) She did not feel that Defendants valued their employees of color.

27. After Lindsey resigned, Plaintiff became aware that Defendants had received an anonymous letter accusing them of treating non-white employees in a less favorable manner than white employees. The letter also asked whether they had taken any action in connection with the complaints that Lindsey had raised in her exit interview.

28. After the resignation of Plaintiff's direct report and the anonymous letter accusing Defendants of racism, Defendants met with their employees and stated only that Defendants did not discriminate on the basis of race.

29. To Plaintiff's knowledge and belief, Defendants did not take any other action in connection with the allegations that Defendants treated their Black and other non-white employees less favorably than their white employees.

30. In or around September 2018, Defendants transferred Jennifer Williams (Black) into the position of Coordinator in the Marketing Department to report to Plaintiff.

31. In or around June 2019, Defendants hired Chelsea Seidel (white) into the position of Assistant in the Marketing Department to report to Plaintiff.

32. In or about July 2019, Plaintiff learned that Williams was being compensated substantially less than Seidel.

33. Williams had been employed at Defendants for approximately two (2) years longer than Seidel.

34. Williams was also at a higher level (Coordinator) than Seidel (Assistant).

35. Plaintiff repeatedly raised the disparity in compensation between her Black and white direct reports to Defendants and told Defendants that they should rectify the same.

36. Specifically, in or around July 2019 and September 2019, Plaintiff complained that her Black direct report (Williams) was being compensated less than her white direct report (Seidel), that the disparity was due to race, and that Defendants should correct the same immediately.

37. Defendants responded to Plaintiff that they were aware of the situation and that they would not fix the disparity in the compensation.

38. Defendants retaliated against Plaintiff in connection with her complaints of race discrimination in connection with her direct reports' compensation, including that which is set forth below.

39. Defendants' managers ignored Plaintiff and excluded her from communications related to her job responsibilities.

40. Defendants' managers unjustly criticized Plaintiff and blamed her for issues that were outside of her control and/or responsibility.

41. Defendants undermined Plaintiff's authority including by preventing her from taking action that she felt appropriate regarding her direct reports.

42. In or around January 2020, Plaintiff learned that Defendants had posted her position.

43. When Plaintiff asked Indeck about the posting, he stated that Defendants had not made any decisions regarding her employment at that time.

44. On or about March 27, 2020, Defendants informed Plaintiff that they were terminating her employment, effective April 17, 2020.

45. Defendants told Plaintiff that they had already hired her replacement. They instructed her that she was to train her replacement until the effective date of her termination.

46. Defendants failed to provide Plaintiff with an explanation as to why they terminated her employment. They told Plaintiff that her termination was not “Covid-related”.

47. When Defendants provided Plaintiff with a “Transitional Employment Agreement” that offered her severance in exchange for a release of all of her claims, it falsely stated that Defendants and Plaintiff had “mutually agreed” to end her employment.

48. On or about April 7, 2020, Defendants asked Plaintiff if she wanted to submit a letter of resignation. Plaintiff responded that she would not submit a letter of resignation, as she did not resign and it was not her decision to separate her employment with Defendants.

49. Defendants replaced Plaintiff with an individual who was approximately twenty five (25) years younger, and less qualified, than Plaintiff.

50. At around the same time that Defendants terminated Plaintiff’s

employment, they also terminated the employment of other older employees, all of whom were, to Plaintiff's information and belief, over the age of fifty (50).

51. To Plaintiff's information and belief, she was the oldest employee reporting to Indeck and Stapleton.

52. Plaintiff's age was a motivating and/or determinative factor in connection with Defendant's discriminatory treatment of Plaintiff, including terminating her employment.

53. Plaintiff's complaints about Defendants' discriminatory conduct were motivating and/or determinative factors in connection with Defendant's retaliatory conduct to which Plaintiff was subjected, including terminating her employment.

54. Defendants failed to prevent or address the discriminatory and retaliatory conduct referred to herein and further failed to take corrective and remedial measures to make the workplace free of discriminatory and retaliatory conduct.

55. The retaliatory actions taken against Plaintiff after she complained of discriminatory conduct would have discouraged a reasonable employee from complaining of discrimination.

56. As a direct and proximate result of the discriminatory and retaliatory conduct of Defendants, Plaintiff has in the past incurred, and may in the future incur, a loss of earnings and/or earning capacity, loss of benefits, pain and suffering, embarrassment, humiliation, loss of self-esteem, mental anguish, and loss of life's pleasures, the full extent of which is not known at this time.

COUNT I – Title VII

57. Plaintiff incorporates herein by reference paragraphs 1 through 56 above, as if set forth herein in their entirety.

58. By committing the foregoing acts of retaliation against Plaintiff, Defendants have violated Title VII.

59. Said violations were done with malice and/or reckless indifference.

60. As a direct and proximate result of Defendants' violation of Title VII, Plaintiff has suffered the damages and losses set forth herein and has incurred attorneys' fees and costs.

61. Plaintiff is now suffering and will continue to suffer irreparable injury and monetary damages as a result of Defendants' retaliatory acts unless and until this Court grants the relief requested herein.

62. No previous application has been made for the relief requested herein.

COUNT II – Section 1981

63. Plaintiff incorporates herein by reference paragraphs 1 through 62 above, as if set forth herein in their entirety.

64. By committing the foregoing acts of retaliation, Defendants have violated Section 1981.

65. Said violations were done with malice and/or reckless indifference, and warrant the imposition of punitive damages.

66. As a direct and proximate result of Defendants' violation of Section 1981, Plaintiff has suffered the damages and losses set forth herein and has incurred attorneys' fees and costs.

67. Plaintiff is now suffering and will continue to suffer irreparable injury and monetary damages as a result of Defendants' retaliatory acts unless and until this Court grants the relief requested herein.

68. No previous application has been made for the relief requested herein.

COUNT III - ADEA

69. Plaintiff incorporates herein by reference paragraphs 1 through 68 above, as if set forth herein in their entirety.

70. By committing the foregoing acts of discrimination against Plaintiff, Defendants have violated the ADEA.

71. Said violations were willful and warrant the imposition of liquidated damages.

72. As a direct and proximate result of Defendants' violation of the ADEA, Plaintiff has suffered the damages and losses set forth herein and has incurred attorney's fees and costs.

73. Plaintiff is now suffering and will continue to suffer irreparable injury and monetary damages as a result of Defendants' discriminatory acts unless and until this Court grants the relief requested herein.

74. No previous application has been made for the relief requested herein.

COUNT IV – PHRA

75. Plaintiff incorporates herein by reference paragraphs 1 through 74 above, as if set forth herein in their entirety.

76. Defendants, by the above improper and discriminatory and retaliatory acts, have violated the PHRA.

77. Said violations were intentional and willful.

78. As a direct and proximate result of Defendants' violation of the PHRA, Plaintiff has sustained the injuries, damages, and losses set forth herein and has incurred attorneys' fees and costs.

79. Plaintiff is now suffering and will continue to suffer irreparable injuries and monetary damages as a result of Defendants' discriminatory and retaliatory acts unless and until the Court grants the relief requested herein.

80. No previous application has been made for the relief requested herein.

COUNT V – PFPO

81. Plaintiff incorporates herein by reference paragraphs 1 through 80 above, as if set forth herein in their entirety.

82. Defendants, by the above improper and discriminatory and retaliatory acts, have violated the PFPO.

83. Said violations were intentional and willful.

84. As a direct and proximate result of Defendants' violation of the PFPO, Plaintiff has sustained the injuries, damages, and losses set forth herein and has incurred attorney's fees and costs.

85. Plaintiff is now suffering and will continue to suffer irreparable injuries and monetary damages as a result of Defendants' discriminatory and retaliatory acts unless and until the Court grants the relief requested herein.

86. No previous application has been made for the relief requested herein.

RELIEF

WHEREFORE, Plaintiff seeks damages and legal and equitable relief in connection with Defendants' improper conduct, and specifically prays that the Court grant the following relief to the Plaintiff by:

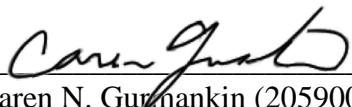
- (a) declaring the acts and practices complained of herein to be in violation of Title VII;
- (b) declaring the acts and practices complained of herein to be in violation of Section 1981;
- (c) declaring the acts and practices complained of herein to be in violation of the ADEA;
- (d) declaring the acts and practices complained of herein to be in violation of the PHRA;
- (e) declaring the acts and practices complained of herein to be in violation of the PFPO;
- (f) enjoining and permanently restraining the violations alleged herein;
- (g) entering judgment against the Defendants and in favor of the Plaintiff in an amount to be determined;
- (h) awarding compensatory damages to make the Plaintiff whole for all lost earnings, earning capacity, and benefits, past and future, which Plaintiff has suffered or may suffer as a result of Defendants' improper conduct;
- (i) awarding compensatory damages to Plaintiff for past and future pain and suffering, emotional upset, mental anguish, humiliation, and loss of life's pleasures, which Plaintiff has suffered or may suffer as a result of Defendants' improper conduct;

- (j) awarding punitive damages to Plaintiff under Title VII;
- (k) awarding punitive damages to Plaintiff under Section 1981;
- (l) awarding liquidated damages to Plaintiff under the ADEA;
- (m) awarding Plaintiff such other damages as are appropriate under Title VII, Section 1981, the PHRA, and the PFPO;
- (n) awarding Plaintiff the costs of suit, expert fees, and other disbursements, and reasonable attorneys' fees; and,
- (o) granting such other and further relief as this Court may deem just, proper, or equitable including other equitable and injunctive relief providing restitution for past violations and preventing future violations.

CONSOLE MATTIACCI LAW, LLC

Dated: July 2, 2021

BY:


Caren N. Gurnankin (205900)
1525 Locust Street, 9th Floor
Philadelphia, PA 19102
(215) 545-7676

Attorney for Plaintiff,
Ellen Ragone

Exhibit “1”

COMMONWEALTH OF PENNSYLVANIA

GOVERNOR'S OFFICE

PENNSYLVANIA HUMAN RELATIONS COMMISSION

Ellen S. Ragone,
Complainant

V.

: PHRC Case No. 201903904

Weber Gallagher Simpson Stapleton Fires : EEOC No. 17F202160052
& Newby LLP,
Respondent :

COMPLAINT

JURISDICTION

1. Jurisdiction is pursuant to the Pennsylvania Human Relations Act 43 P.S. §§ 951-963.

PARTIES

2. The Complainant herein is:

Ellen S. Ragone

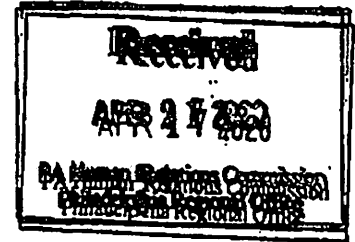
Cherry Hill, NJ 08003

3. The Respondent herein is:

Weber Gallagher Simpson Stapleton Fires & Newby LLP
2000 Market Street, Suite 1300
Philadelphia, PA 19103

COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE
PENNSYLVANIA HUMAN RELATIONS COMMISSION

COMPLAINT



COMPLAINANT:

ELLEN S. RAGONE

v.

RESPONDENT:

WEBER GALLAGHER SIMPSON
STAPLETON FIRES & NEWBY LLP

Docket No.

201903904

1. The Complainant herein is:

Name: Ellen S. Ragone

Address: [REDACTED]
Cherry Hill, NJ 08003

2. The Respondent herein is:

Name: Weber Gallagher Simpson Stapleton Fires & Newby LLP

Address: 2000 Market Street, Suite 1300
Philadelphia, PA 19103

3. I, Ellen S. Ragone, the Complainant herein, allege that I was subjected to unlawful discrimination because of my age (58), and unlawful retaliation because of my complaints of race discrimination, as set forth below.

Discrimination and Retaliation

A. I specifically allege:

[1] I was hired by Respondent on or about April 30, 2012.

[2] My birth date is [REDACTED], 1961, and I am age fifty-eight (58).

[3] I consistently performed my job duties in a highly competent manner, and received positive feedback.

[4] I held the position of Chief Marketing Officer.

[5] I reported to Patrick Stapleton (62¹, white), Partner, and Andrew Indeck (56, white), Firm Chair. Respondent's Board of Directors is comprised of Indeck, Stapleton, Eugene Feeney (57, white), Partner, Peter Harrison (60, white), Partner, and James Wescoe (54, white), Partner and Chair, Commercial Transportation Group.

[6] In or about January 2013, I began reporting to Stapleton.

[7] In or about January 2018, I began reporting to Indeck.

[8] I was the oldest employee directly reporting to Stapleton.

[9] I was the oldest employee directly reporting to Indeck.

[10] In or about early 2018, my then direct report, Bisa Lindsey (black), Marketing Coordinator, resigned from Respondent. Lindsey told me that, during her exit interview, she complained of race discrimination at Respondent. She told me of her complaints that Respondent did not support its minority employees and that, as a black woman, she did not feel comfortable working at Respondent. In her written exit interview, she stated that, at Respondent, there was "a large clique atmosphere," that it was "noticeable who is in the club and who isn't," and that she did not feel that "people of color and diversity are valued at this firm."

[11] Respondent failed to investigate the race discrimination complaints.

[12] Respondent failed to remedy or prevent the race discrimination at Respondent.

¹ All ages herein are approximations.

[13] Following Lindsey's resignation, an anonymous letter was sent to Respondent's Board of Directors, which accused Respondent of being racist and asked whether Respondent took any action in response to what Lindsey said during her exit interview.

[14] In response to the letter, Respondent held a meeting for employees, led by Indeck and Carolyn Mirabile (53, white), Partner, Chair, Family Law Practice Group, and Diversity Co-chair, and stated that Respondent does not discriminate.

[15] Respondent failed to investigate the race discrimination complaints.

[16] Respondent failed to remedy or prevent the race discrimination at Respondent.

[17] In or about September 2018, Jennifer Williams (f25, black), Coordinator, was transferred from reporting to Geralyn Brown (52, white), Chief Operating Officer, to reporting to me.

[18] In or about June 2019, Respondent hired Chelsea Seidel (22, white), Assistant, to report to me.

[19] In or about July 2019, Stapleton and I learned that Williams (black) was being compensated approximately \$10,000 less than Seidel (white). I stated that the compensation disparity between Williams (black) and Seidel (white) must be fixed, and Stapleton instructed me to speak with Brown.

[20] In or about July 2019, in a meeting with Brown, I stated that Williams (black) was being compensated approximately \$10,000 less than Seidel (white). I stated that the issue should be rectified immediately, and that Respondent could be sued for this. Brown told me that she would speak with Andrea LeRoy (57, white), Director of Personnel, and would get back to me.

[21] Brown did not get back to me regarding the disparity between William's compensation and Seidel's compensation.

[22] In or about September 2019, in a meeting with Indeck, I stated that Williams (black) was being compensated approximately \$10,000 less than Seidel (white), and complained that I believed it was because of race. I stated that the pay difference did not otherwise make sense, and that Respondent could be sued for this. Indeck stated that he was aware of the situation and that the compensation would remain the way it was.

[23] Respondent failed to investigate my race discrimination complaint.

[24] Respondent failed to remedy or prevent the race discrimination at Respondent.

[25] Following my race discrimination complaint, I was ignored, undermined, and excluded from communications related to my job duties.

[26] I was unjustly criticized and blamed for issues outside of my control, including other employees' mistakes.

[27] In or about January 2020, I learned that Respondent had posted my position and were seeking to replace me.

[28] On March 27, 2020, in a phone call with Brown, Joseph Goldberg (69, white), Partner, and Tracy Walsh (53, white), Respondent terminated my employment, effective April 17, 2020. I was told that my termination had been in the works for several weeks, and that my replacement had been hired. I was instructed to train my replacement before my effective termination date. The Transitional Employment Agreement that I was given falsely stated that Respondent and I "mutually agreed" that my employment with Respondent would terminate on April 17, 2020. I never agreed to end my employment with Respondent.

[29] Respondent failed to provide any explanation as to why I was terminated.

[30] Respondent terminated my employment because of my age and/or my race discrimination complaints.

[31] On April 7, 2020, in an email from Goldberg, copying Indeck, Brown, and Wescoe, he stated that my replacement would start on April 13, 2020 and asked me if I wanted to submit a letter of resignation.

[32] On April 9, 2020, in an email to Goldberg, I responded that I would not be resigning since it was not my decision to leave Respondent.

[33] Respondent replaced me with Valerie Lyons (32, white), who began her employment with Respondent on April 13, 2020. I was more qualified to perform my job duties than the substantially younger, noncomplaining employee with whom Respondent replaced me.

[34] In addition to me, Respondent terminated the following older employees effective April 17, 2020: Kathleen Mullin (60), Legal Assistant; Cathryn King (58), Legal Assistant; and Stephanie Gaffey (52), Legal Assistant.

[35] Respondent retained all employees, other than me, directly reporting to Stapleton and Indeck—all of whom were younger and/or noncomplaining.²

[36] Respondent retained all of my direct reports—all of whom were under age thirty (30) and/or noncomplaining.

[37] Respondent retained younger and/or noncomplaining employees in positions for which I was more qualified.

[38] Before I complained of race discrimination, I had no indication that my job was in jeopardy.

² Any reference to an employee being noncomplaining—i.e., not having engaged in protected activity—is to the best of my knowledge.

_____ Pennsylvania Fair Educational Opportunities Act (Act of July 17, 1961.

P.L. 766, as amended) Section 4 Subsection(s) _____

5. Other action based upon the aforesaid allegations has been instituted by the Complainant in any court or before any other commission within the Commonwealth of Pennsylvania as follows:

 X This charge will be referred to the EEOC for the purpose of dual filing.

6. The Complainant seeks that Respondent be required to:

- (a) Make the Complainant whole.
- (b) Eliminate all unlawful discriminatory practice(s) and procedure(s).
- (c) Remedy the discriminatory effect of past practice(s) and procedure(s).
- (d) Take further affirmative action necessary and appropriate to remedy the violation complained of herein.
- (e) Provide such further relief as the Commission deems necessary and appropriate.

VERIFICATION

I hereby verify that the statements contained in this complaint are true and correct to the best of my knowledge, information, and belief. I understand that false statements herein are made subject to the penalties of 18 P.A.C.A. Section 4904, relating to unsworn falsification to authorities.

4/17/20
(Date Signed)

Ellen S. Ragone
(Signature) Ellen S. Ragone
[REDACTED]
Cherry Hill, NJ 08003

Exhibit “2”

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: **Ellen S. Ragone**
 [REDACTED]
 Cherry Hill, NJ 08003

From: **Philadelphia District Office**
 801 Market Street
 Suite 1000
 Philadelphia, PA 19107

☐

On behalf of person(s) aggrieved whose identity is
 CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

17F-2021-60052

Damon A. Johnson,
State & Local Program Manager

(267) 589-9722

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA **must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

☒

More than 180 days have passed since the filing of this charge.

☐

Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.

☒

The EEOC is terminating its processing of this charge.

☐

The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, **the paragraph marked below applies to your case:**

☒

The EEOC is closing your case. Therefore, your lawsuit under the ADEA **must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice**. Otherwise, your right to sue based on the above-numbered charge will be lost.

☐

The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission



Dana R. Hutter,
Deputy Director

May 3, 2021

(Date Issued)

Enclosures(s)

cc:

For Respondent:
Geralyn Brown
Chief Operating Officer
WEBER GALLAGHER
2000 Market Street, Suite 1300
Philadelphia, PA 19103

For Charging Party:
Caren Gurmankin
CONSOLE MATTIACI LAW
Via email only: gurmankin@consolelaw.com